

Message

From: Hesterlee, Craig [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9168D8DD301C48D880DDC8A53466FB70-HESTERLEE, CRAIG]
Sent: 7/22/2022 4:53:59 PM
To: Nuhfer, Mark [Nuhfer.Mark@epa.gov]
Subject: RE: WD-NPDES Permitting question: Please Read - Environmental Justice Research Support

Mark- I am going to send this response to Denisse- please review and let me know if have anything to add. KJ told me she did not know about the 2013 EJ Plan until we were recently asked about it while I was on leave?

-Craig

Denisse,

I reviewed the 2013 Environmental Justice Permitting Implementation Plan. It states that the Water Division will prioritize enhanced public involvement opportunities for the following categories of direct implementation NPDES permits (**I presume the first 3 items on the list are applicable to UIC permits as well?**):

1. New sources or new dischargers
2. Existing sources with major modifications, including but not limited to, a new outfall, a new or changed process that results in the discharge of new pollutants, or an increase in production that results in an increase of any effluent parameter (including flow) by 50% or more.
3. Tribal wastewater treatment facilities with design discharge flow of greater than or equal to 1 million gallons per day (1 MGD).
4. Federal NPDES permits for which a community has expressed environmental justice concerns related to the permit or where EPA has other information indicating environmental justice concerns related to the permit.

When I think about permits the universe of permits that we issue in the NPDES Section, the following permits would have fallen under the prioritization list:

- Cherokee Snowbird Package Plant (minor but new facility)
- Cherokee POTW (Tribal major 6 MGD plant)
- Pearl River POTW (Tribal major 1 MGD plant)
- Ocean Era (if there were EJ concerns expressed within the 45K plus comments received)

The 2013 EJ Permitting Plan lists a number of activities that could be undertaken to enhance public involvement. Suggested activities range from encouraging the applicant to plan meetings with the community, evaluating local health department data, informing other regional program offices that an application has been received, holding training sessions in the community, public noticing that an application has been received, holding public hearings, and providing the community responses to comments, amongst many other suggestions. **Frankly, I have been unaware of the existence of the 2013 EJ Permitting Plan.** While the Plan does not call for us to do so, for minor tribal permits, we public noticed these permits in local newspapers and on our website, and we did not receive any comments. We will be happy to implement the 2013 EJ Permitting Plan moving forward. While the plan does not call our attention to minor tribal permits, we typically notice those in local newspapers albeit we are not required to do so.

The plan also calls for the Water Division to prioritize permits for screening and setting annual EJ targeting goals. Perhaps this activity can be organized via the Division's EJ workgroup? While the Plan does not target our oversight of state authorized NPDES programs, my staff has been studiously evaluating animal feeding operations in North Carolina and their impacts on EJ communities. Perhaps the plan could be updated to capture some of our state oversight work?

Craig Hesterlee, Chief
NPDES Permitting Section
EPA Region 4 Water Division

From: Diaz, Denisse <Diaz.Denisse@epa.gov>
Sent: Thursday, July 21, 2022 9:55 AM
To: Thomas, Chris <Thomas.Chris@epa.gov>; Hesterlee, Craig <Hesterlee.Craig@epa.gov>; Nuhfer, Mark <Nuhfer.Mark@epa.gov>
Cc: Johnson, Bonita <Johnson.Bonita@epa.gov>; Jones, Erica <Jones.Erica@epa.gov>
Subject: FW: WD-NPDES Permitting question: Please Read - Environmental Justice Research Support

Chris/Craig:

I am reviewing Karrie Jo's response below and seems accurate for the most part. However, as I am reviewing the plan the student is referring to (attached) I believe there were some things we did that we can reference in our response. I don't want to give the impression that we failed to follow our own guidance. Can you please take a look and tweak Karrie Jo's response to be more in line with our focus on EJ. I am copying Mark because I believe he was over the NPDES Section in 2013.

Thanks!!

DD

From: Johnson, Bonita <Johnson.Bonita@epa.gov>
Sent: Thursday, July 21, 2022 9:19 AM
To: Shell, Karrie-Jo <Shell.Karrie-Jo@epa.gov>
Cc: Diaz, Denisse <Diaz.Denisse@epa.gov>; Jones, Erica <Jones.Erica@epa.gov>; Wahlstrom-Ramler, Meghan <Wahlstrom-Ramler.Meghan@epa.gov>; Hesterlee, Craig <Hesterlee.Craig@epa.gov>
Subject: RE: WD-NPDES Permitting question: Please Read - Environmental Justice Research Support

Good morning and thank you!

From: Shell, Karrie-Jo <Shell.Karrie-Jo@epa.gov>
Sent: Thursday, July 21, 2022 7:25 AM
To: Johnson, Bonita <Johnson.Bonita@epa.gov>
Cc: Diaz, Denisse <Diaz.Denisse@epa.gov>; Jones, Erica <Jones.Erica@epa.gov>; Wahlstrom-Ramler, Meghan <Wahlstrom-Ramler.Meghan@epa.gov>; Hesterlee, Craig <Hesterlee.Craig@epa.gov>
Subject: RE: WD-NPDES Permitting question: Please Read - Environmental Justice Research Support

The EPA R4 Water Division's NPDES Permits Section has not implemented any of the elements of the 2013 EPA R4 Environmental Justice Plan, and we are not aware of any updates to the plan.

Although not required in the EJ Plan, the NPDES Permits Section typically post notices in newspapers when noticing minor NPDES permits on tribal lands. We are also exploring the nexus between large animal feeding operations and environmental outcomes in rural communities. It is unclear, however, if either of these activities conform to the 2013 Justice Plan.

Karrie-Jo Robinson Shell, P.E.
Environmental Engineer
US EPA Region 4
Water Division

61 Forsyth Street
Atlanta, GA 30303
(404) 562-9308

From: Johnson, Bonita <Johnson.Bonita@epa.gov>

Sent: Wednesday, July 6, 2022 9:56 AM

To: Shell, Karrie-Jo <Shell.Karrie-Jo@epa.gov>; Wahlstrom-Ramler, Meghan <Wahlstrom-Ramler.Meghan@epa.gov>

Cc: Diaz, Denisse <Diaz.Denisse@epa.gov>; Jones, Erica <Jones.Erica@epa.gov>

Subject: FW: WD-NPDES Permitting question: Please Read - Environmental Justice Research Support

Good morning Karrie-Jo and Meghan,

I hope that all is well. Please let me know if you can assist Ambria. She's a graduate student whose research examines the nexus between the Clean Water Act NPDES permitting processes and equity in environmentally-stressed communities. She submitted questions and offered to have a virtual call. I think I found the document she referenced, *EPA Region 4 Environmental Justice Permitting Implementation Plan*, April 16, 2013. It is attached below. Please scroll down to read her email and let me know if you can assist her.

All the best,

Bonita

From: Johnson, Bonita

Sent: Wednesday, July 6, 2022 9:38 AM

To: Thomas-Burton, Tami <Thomas-Burton.Tami@epa.gov>; Jones, Erica <Jones.Erica@epa.gov>

Cc: Holtzclaw, Brian <Holtzclaw.Brian@epa.gov>

Subject: RE: WD-NPDES Permitting question: Please Read - Environmental Justice Research Support

Good morning,

Thank you for sending this. I hope all is well. I'll ask our EJ Workgroup members in NPDES Permitting to assist her.

Ambria may be referring to the *EPA Region 4 Environmental Justice Permitting Implementation Plan*, April 16, 2013

<https://19january2017snapshot.epa.gov/sites/production/files/2015-02/documents/2013-05-region-04-plan.pdf>

Yes, the document is public and was on the EPA website. It was removed in 2017 when our national site was stripped, but it can still be accessed in snapshot.

All the best,

Bonita

From: Thomas-Burton, Tami <Thomas-Burton.Tami@epa.gov>

Sent: Wednesday, July 6, 2022 9:12 AM

To: Jones, Erica <Jones.Erica@epa.gov>; Johnson, Bonita <Johnson.Bonita@epa.gov>

Cc: Holtzclaw, Brian <Holtzclaw.Brian@epa.gov>

Subject: WD-NPDES Permitting question: Please Read - Environmental Justice Research Support

Good Morning Erica,

Good Morning Bonita,

We have another incoming question for the WD specifically concerning R4's NPDES Permitting process. This student from Yale University, [Ambria McDonald](#) has also reached out to all me and Brian's & our Regional counterparts (EJ Manager's & Regional EJ Coordinator's) with the same question. I'm not sure what "R4 EJ Permitting Plan" she is referring to. Is that public information? If so, can you share with the EJ program as well. Also, Brian replied to her email

to get more clarity on her questions; I have attached that email and inserted her additional questions below alongside the original email. We, Regional EJ Coordinator's, are all responding and sharing our Regional responses. Can you review her questions below and provide feedback/response to the questions. Thanks, Tami

The questions are here:

1. What has been the biggest challenge / obstacle in implementing the enhanced outreach activities detailed in the EJ plan?
2. Have you had any notable successes by utilizing the EJ plan? (e.g. increase in public participation from vulnerable communities, or decrease in permit violations in vulnerable communities).
 - a. If so, please explain what type of success has been realized.
 - b. If not, what do you think may be contributing to this?
1. Have there been any updates to the EJ plan? The plan said that it would be updated annually and sent to EPA, and it's been almost 10 years since it was published.

From: Ambria McDonald <ambria.mcdonald@yale.edu>

Sent: Thursday, June 30, 2022 8:30 AM

To: Holtzclaw, Brian <Holtzclaw.Brian@epa.gov>; Thomas-Burton, Tami <Thomas-Burton.Tami@epa.gov>; Good, Sheryl <Good.Sheryl@epa.gov>; Wilson, Daphne <Wilson.Daphne@epa.gov>; Bryant, Kyle <Bryant.Kyle@epa.gov>; blakley.lashon@epa.gov

Subject: Please Read - Environmental Justice Research Support

Greetings,

My name is Ambria McDonald, and I am a second year PhD student at Yale School of the Environment. My current research examines the nexus between the Clean Water Act NPDES permitting processes and equity in environmentally-stressed communities.

I read Region 4's environmental justice (EJ) plan for permitting in vulnerable communities, and had a few follow up questions.

At your earliest convenience, can we set up a virtual call to speak about the successes and challenges of implementing your Region's EJ plan? I am eager to learn more as I develop my research plan, and I believe you all's insight would be valuable.

A preview of the questions are provided below. Alternatively, in lieu of meeting virtually, you are also welcome to provide responses to the questions and send them back to me.

Best Regards,

Ambria McDonald

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Ambria N. McDonald, MPH, CHES

Ph.D. Student | Yale School of the Environment

Justice, Equity, Diversity, & Sustainability Initiative (JEDSI)

p: (254) 218 0901 e: ambria.mcdonald@yale.edu

To schedule a meeting: <https://calendly.com/ambria-mcdonald>

"To whom much is given, much is required." - Luke 12:48